**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929**

**WP(C).No. 31649 of 2007(P)**
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**PETITIONER:**
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**PARATHAZHE GEORGE, S/O.AUGUSTY,**
**PARATHAZHE HOUSE, P.O.VELLAD,**
**VELLAD AMSOM, TALIPARAMBA TALUK,**
**KANNUR DISTRICT.**

**BY ADV. SRI.V.T.MADHAVANUNNI**
**SRI.V.A.SATHEESH**

**RESPONDENTS:**
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**1. TALIPARAMBA PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD. NO.C.1007, PAYYANNUR P.O., KANNUR DIST., REPRESENTED BY ITS SECRETARY.**

**2. SPECIAL SALE OFFICER, TALIPARAMBA PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.2007, PAYYANNUR P.O., KANNUR DT.**

**3. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF CO-OPERATION, THIRUVANANTHAPURAM.**

**BY GOVT. PLEADER SMT.ANU SIVARAMAN FOR R2& R3**
**ADV.SRI.M.SASINDRAN, SC FOR R1**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.M.JOSEPH, J.**

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**W.P.(c).No.31649 OF 2007**

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Dated this the 25th day of October , 2007

**JUDGMENT**

Petitioner availed a loan. It is not repaid. Petitioner challenges Ext.P3 sale notice and seeks a direction to stop all further proceedings pursuant to Ext.P3 and direct respondents 1 and 2 to quantify the liability. I heard learned counsel for the respondent-Bank also. Counsel for the petitioner submits that petitioner may be given one year's time to pay off the amount.

Having regard to all facts, the writ petition is disposed of as follows:

Petitioner is to pay an amount Rs. 25,000/- ( Rupees twenty five thousand) before the time of sale mentioned in Ext.P3. Petitioner is permitted to pay off the balance amount remaining to be paid with due interest in six equal monthly instalments, the first of which shall be payable on or before 30/11/2007. Further instalments are to be paid on or before the 30th working day of every succeeding months. The respondent Bank will serve a statement on the petitioner within two weeks from today showing

the exact amount payable by the petitioner with due interest and also showing the exact amount of instalments to be paid by the petitioner on the basis that the amount is to be paid in six equal monthly instalments. If the petitioner does not pay Rs. 25,000/- before the time of sale mentioned in Ext.P3 or any of the instalments as aforesaid, it is open to the respondent-Bank to proceed against the petitioner in accordance with law. If the petitioner pays Rs. 25,000/-as mentioned earlier and also continues to pay the instalments, coercive steps shall not be enforced against the petitioner.

**(K.M.JOSEPH, JUDGE)**

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